

Introduced by Senator Simitian

February 22, 2005

An act to amend Section 56836.165 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1073, as introduced, Simitian. Special education: out-of-home care.

Existing law requires the Superintendent of Public Instruction, commencing with the 2004–05 fiscal year and each fiscal year thereafter, to make certain calculations for, and the State Department of Education to apportion certain amounts to, special education local plan areas, as provided, with respect to children and youth residing in foster family homes, foster family agencies, group homes, skilled nursing facilities, intermediate care facilities, and community care facilities. Existing law requires that calculation to include youth that are 18 to 21 years of age, residing in a community care facility.

This bill, instead, would require that calculation to include children and youth that are 3 to 21 years of age, residing in a community care facility.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56836.165 of the Education Code is
- 2 amended to read:
- 3 56836.165. (a) For the 2004–05 fiscal year and each fiscal
- 4 year thereafter, the ~~superintendent~~ *Superintendent* shall calculate
- 5 for each special education local plan area an amount based on (1)

1 the number of children and youth residing in foster family homes
2 and foster family agencies, (2) the licensed capacity of group
3 homes licensed by the State Department of Social Services, and
4 (3) the number of children and youth ages 3 through 21 referred
5 by the State Department of Developmental Services who are
6 residing in skilled nursing facilities or intermediate care facilities
7 licensed by the State Department of Health Services and the
8 number of youth ages 18 through 21 referred by the State
9 Department of Developmental Services who are residing in
10 community care facilities licensed by the State Department of
11 Social Services.

12 (b) The department shall assign each facility described in
13 paragraphs (1), (2), and (3) of subdivision (a) a severity rating.
14 The severity ratings shall be on a scale from 1 to 14. Foster
15 family homes shall be assigned a severity rating of 1. Foster
16 family agencies shall be assigned a severity rating of 2. Facilities
17 described in paragraph (2) of subdivision (a) shall be assigned
18 the same severity rating as its State Department of Social
19 Services rate classification level. For facilities described in
20 paragraph (3) of subdivision (a), skilled nursing facilities shall be
21 assigned a severity rating of 14, intermediate care facilities shall
22 be assigned a severity rating of 11, and community care facilities
23 shall be assigned a severity rating of 8.

24 (c) (1) The department shall establish a “bed allowance” for
25 each severity level. For the 2004–05 fiscal year, the bed
26 allowance shall be calculated as described in paragraph (2). For
27 the 2005–06 fiscal year and each fiscal year thereafter, the
28 department shall increase the bed allowance by the inflation
29 adjustment computed pursuant to Section 42238.1. The
30 department shall not establish a bed allowance for any facility
31 defined in paragraphs (2) and (3) of subdivision (a) if it is not
32 licensed by the State Department of Social Services or the State
33 Department of Health Services.

34 (2) (A) The bed allowance for severity level 1 shall be five
35 hundred two dollars (\$502).

36 (B) The bed allowance for severity level 2 shall be six hundred
37 ten dollars (\$610).

38 (C) The bed allowance for severity level 3 shall be one
39 thousand four hundred thirty-four dollars (\$1,434).

1 (D) The bed allowance for severity level 4 shall be one
2 thousand six hundred forty-nine dollars (\$1,649).

3 (E) The bed allowance for severity level 5 shall be one
4 thousand eight hundred sixty-five dollars (\$1,865).

5 (F) The bed allowance for severity level 6 shall be two
6 thousand eighty dollars (\$2,080).

7 (G) The bed allowance for severity level 7 shall be two
8 thousand two hundred ninety-five dollars (\$2,295).

9 (H) The bed allowance for severity level 8 shall be two
10 thousand five hundred ten dollars (\$2,510).

11 (I) The bed allowance for severity level 9 shall be five
12 thousand four hundred fifty-one dollars (\$5,451).

13 (J) The bed allowance for severity level 10 shall be five
14 thousand eight hundred eighty-one dollars (\$5,881).

15 (K) The bed allowance for severity level 11 shall be nine
16 thousand four hundred sixty-seven dollars (\$9,467).

17 (L) The bed allowance for severity level 12 shall be thirteen
18 thousand four hundred eighty-three dollars (\$13,483).

19 (M) The bed allowance for severity level 13 shall be fourteen
20 thousand three hundred forty-three dollars (\$14,343).

21 (N) The bed allowance for severity level 14 shall be twenty
22 thousand eighty-one dollars (\$20,081).

23 (d) (1) For each fiscal year, the department shall calculate an
24 out-of-home care funding amount for each special education
25 local plan area as the sum of amounts computed pursuant to
26 paragraphs (2), (3), and (4). The State Department of Social
27 Services and the State Department of Developmental Services
28 shall provide the State Department of Education with the
29 residential counts identified in paragraphs (2), (3), and (4).

30 (2) The number of children and youth residing on April 1 in
31 foster family homes and foster family agencies located in each
32 special education local plan area times the appropriate bed
33 allowance.

34 (3) The capacity on April 1 of each group home licensed by
35 the State Department of Social Services located in each special
36 education local plan area times the appropriate bed allowance.

37 (4) The number on April 1 of children and youth (A) ages 3
38 through 21 referred by the State Department of Developmental
39 Services who are residing in skilled nursing facilities and
40 intermediate care facilities licensed by the State Department of

1 Health Services located in each special education local plan area
2 times the appropriate bed allowance, and (B) ages ~~18~~ 3 through
3 21 referred by the State Department of Developmental Services
4 who are residing in community care facilities licensed by the
5 State Department of Social Services located in each special
6 education local plan area times the appropriate bed allowance.

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